

VILLAGE OF CHESTER

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VILLAGE OF CHESTER PLANNING BOARD'S COMMENTS Regarding PROPOSED LOCAL LAW #4 OF 2013, Version IV, "AMENDMENTS TO CHAPTER 98 ZONING"

To the Mayor and Board of Trustees of the Village of Chester:

The following comments regarding Amendments to Chapter 98 Zoning is made after review of the latest revision "2014-5-29 Revised Local Law RM Zone Changes" for the proposed Local Law #4 of 2013 (LL4). The text of the LL4 is included below, editing is indicated by ~~strikeout~~ for text recommended to be deleted, and underlined for text recommended to be inserted. (The Planning Board comments are in **bold** for easy reference.)

References in the following to Planning Board Reports I and II refer to reports dated September 25, 2013 and January 30, 2014 respectively.

The Planning Board has assumed that the above referenced revision is a complete account of all proposed changes to the Chapter 98 Zoning Law. If this is not accurate, please advise.

In considering the proposed changes, the Planning Board advises every proposed building in all RM districts would be affected.

Planning Board comments are as follows:

Section 1. The Code of the Village of Chester, Chapter 98 Zoning, ARTICLE I, Section 98-3. Definitions and word usage, item B shall be amended to add the following:

The following text appears to comply with previous comment(s):

ACCESSORY APARTMENT – A separate and distinct residential living unit (with a separate entrance) wholly contained in an owner-occupied residential dwelling, and served by kitchen and bathroom facilities separate and distinct from those in the main residential dwelling.

The Planning Board recommends the following change:

BOUNDING WALL - A principal building wall opposite another principal building. The height of such wall shall be measured from the average grade along said wall to the eave of the principal roof or in the case of a gable roof endwall, the vertical midpoint of such of the gabled portion of the wall.

The Planning Board recommends the revision since the provision as written is not precise. The “midpoint” of the wall could be interpreted as the “midpoint” of the entire wall, instead of the gabled portion which is intended.

The following text appears to comply with previous comment(s):

DWELLING, MULTIPLE-FAMILY — A detached building containing three or more residential dwelling units, which may include apartments, cooperatives, condominiums and townhouses.

The following text appears to comply with previous comment(s):

STORY ABOVE GRADE – Refer to the definition in the NYS Residential Code.

The following text appears to comply with previous comment(s):

BASEMENT - Refer to the definition in the NYS Residential Code.

The following text appears to comply with previous comment(s):

GRADE PLANE - Refer to the definition in the NYS Residential Code.

and replace the definitions of “HEIGHT,” “STORY,” and “TOWNHOUSE” with the following:

The Planning Board recommends the following change:

HEIGHT – The vertical distance measured from the average elevation of the finished grade along the front of a structure to the average height, ~~as determined by the Planning Board or Code Enforcement Officer,~~ of the highest roof surface, all as determined by the Planning Board or Code Enforcement Officer.

The Planning Board recommends the revision since the Planning Board or Code Enforcement Officer must make determinations regarding both average elevations and the “front” of a structure.

The following text appears to comply with previous comment(s):

STORY – For the purposes of this zoning law, ‘STORY’ shall mean STORY ABOVE GRADE.

The following text appears to comply with previous comment(s):

TOWNHOUSE — A residential structure containing a series of noncommunicating one-family dwelling units in which each unit has its own individual access to the exterior and where there is a common wall between each two adjacent dwelling units. Each dwelling unit should be held in separate ownership and may be located on commonly held land with other townhouses, or on a separate tax lot.

Section 2. The Code of the Village of Chester, Chapter 98 Zoning ARTICLE III, Section 98-10. Exceptions of District Regulations, shall be amended to replace subsection B as follows:

The Planning Board recommends the following changes:

B. Height regulations. The height limitation of these regulations may be waived by the Planning Board for: flagpoles, spires, belfries, parapets, cupolas, chimneys, transmission towers, aerials, skylights, water or cooling towers, elevators or stair bulkheads, semi-solid screenings for mechanical equipment, ~~and for~~ flat roof building perimeter railings, and solar panels up to 6 feet in height above the roof, provided that such areas do not exceed 10% of the total roof area of which they are a part.

The suggested revision is merely to make plural all the listed elements and to move the conjunction before the last phrase in the sequence.

Section 3. The Code of the Village of Chester, Chapter 98 Zoning ARTICLE IV, Section 98-18. Apartment buildings and townhouses, shall be amended to add new subsections **G F** and **H G**.

For this section (98-18), the Planning Board requests confirmation that existing paragraphs A through E remain unchanged, and suggests that paragraph F be replaced as had been previously recommended in Planning Board Report II. The Planning Board recommends deletion of existing Paragraph F since it pertains to Building Code issues, not Zoning issues.

The Planning Board recommends the following changes:

G F. For multi-family dwellings on a single lot, the distance between the front of a building and the edge of pavement_or the edge of a sidewalk, whichever is closer, shall be a minimum of 40 feet. ~~For townhouses located on private roads, this distance shall be a minimum of 20 feet.~~ The Planning Board may reduce this distance to no less than 24 feet.

In Planning Board Report I, the Planning Board stated, "...the [proposed] regulations would permit buildings closer to streets... resulting in a feeling and visual impact of crowdedness, less opportunities for landscaping, and other affects." Other affects likely to take place will be reduced provision for delivery and service trucks, fire and safety vehicles and will hinder snow removal.

The suggested minimum distance of 24 ft was chosen to provide adequate distance from the face of a building to the sidewalk or street to permit vehicle parking taking into account distances required for a buffer between the building and the front of the vehicle, the length of the vehicle and a buffer from the end of the vehicle to the edge of the sidewalk or street.

As this proposal continues to be made unabated, the Planning Board has attached photographic exhibits of Kings Estates, a 438 (approx.) condo unit development built on Kings Highway in Warwick, NY which has a distance to the building front similar to the proposed 20 feet. While the pictures display the serious consequences and misfortune of such standards, first hand observation of the extents has greater impact. For interested or involved individuals, it is not far from Chester.

The following text appears to comply with existing standards:

H G. Density for all multi-family units shall be as follows:

- (1) Multi-family units containing one or two bedrooms shall be permitted at a maximum density of 8 units per acre, subject to site conditions and potential impacts;
- (2) Multi-family units containing 3 or more bedrooms shall be permitted at a maximum density of 6 units per acre, subject to site conditions and potential impacts;
- (3) A "bedroom" includes a den or other additional room which is separated from other common areas by a door, that is not a kitchen, living room, dining room, closet or storage area.

Section 4. The Code of the Village of Chester, Chapter 98 Zoning ARTICLE IV, Section 98-20. Off-street parking and loading, shall be amended to add a new subsection H as follows:

H. Land Banked Parking Facilities

(1). ~~Land Banking Authorized. In a multi-family, commercial, or industrial zoning district, or for a non-residential use in a residential district, up to 25 percent of the required off-street parking spaces may be left as open space which can be readily converted to parking facilities ("Land Bank"). If Land Banking is utilized, the location of the Land Bank shall be depicted on the site plan. The Planning Board may authorize up to 25 percent of the required off-street parking spaces to be left as open space which can be readily converted to parking facilities ("Land Bank"). Such authorization shall occur during the site plan review process and the location of the Land Bank shall be depicted at locations subject to Planning Board approval.~~ The parking facilities to be constructed and the Land Bank, if converted to parking spaces, must comply with the off-street parking facility requirements of this Chapter at the time the site plan is approved. In all cases, the stormwater management systems must be designed and constructed to accommodate all land banked spaces as originally constructed and as eventually converted into actual parking spaces. A site plan containing a Land Bank shall show both full compliance with the parking regulations of this Chapter and the land bank area, and shall depict the reduced number of parking spaces and interim use of the land banked area.

2. Termination of the Land Bank. The Planning Board, in conjunction with the approval of a Site Plan for any project where Land Banking is utilized, shall set forth the terms and conditions for the completion of the parking utilization study for the project. The parking utilization study shall be conducted a single time no earlier than at 80% occupancy of the project, which time shall be set forth by the Planning Board during Site Plan approval. The Village Board shall, at the sole cost and expense of the applicant, or its successor in interest, and/or the Owner of the real property upon which the project is being developed, conduct a parking utilization study to determine whether it is necessary to construct all or a portion of the land banked parking facilities. ~~If the parking utilization study determines that the utilization of constructed parking spaces (excluding driveways/garages) has averaged more than eighty-five percent (85%) of the parking spaces provided during peak hours over the course of several days, then the Village Board may require the construction of some or all of the additional parking facilities. In such a case, Upon review of the parking utilization study or site conditions, the Board of Trustees determines that all, or a portion of the land banked spaces should be~~

constructed, the Code Enforcement Officer shall provide notice to the applicant and/or Owner that the necessary additional Land Banked parking facilities must be constructed and completed within one-hundred-eighty (180) days from the date of said notice.

The Planning Board may, for a mixed use project, require separate parking utilization studies for each use.

(3). Performance Security Required. In conjunction with the approval of a Site Plan containing a Land Bank, the Planning Board shall require a performance security, in an amount determined by the Planning Board and confirmed by the Village Engineer, sufficient to cover the full costs of converting the Land Banked parking spaces into properly constructed, paved and striped spaces and the full cost of any and all parking utilization studies required pursuant to paragraph "2" of this section. In the case of a project built in phases, the amount of such performance security shall cover the costs associated with the conversion of Land Banked parking spaces associated with that phase only. Such performance security shall conform to and be governed by the provisions of § 7-730 (c) - (d) of the Village Law and shall be satisfactory to the Village Attorney and the Village Engineer as to form, manner and execution and surety. The performance security must be filed prior to the issuance of any certificate of occupancy for any portion of the project involving Land Banking, or, in the case of a project built in phases, prior to the issuance of any certificate of occupancy for the associated project phase. The performance security shall remain in place and be renewed as necessary until it is determined, ~~after conduct of the parking utilization study or review of site conditions~~ by the Board of Trustees, that the Land Banked Parking is not required or the Village Attorney and Village Engineer certify that the Land Banking work secured by the performance security has been satisfactorily completed, at which time the Village Board shall release the performance security.

The Planning Board recommends the indicated changes to emphasize that the land banked spaces will be located on the site plan in an area deemed appropriate by the Planning Board and not in unsuitable, out of the way locations. The changes to Paragraph (2) are suggest to give the Board of Trustees more discretion and to simply the enforcement of the requirement to construct the land-banked spaces. Land banked spaces are an accommodation to the developer temporarily reducing the number of parking spaces required by the Village Law until the Village determines that the land-banked spaces are necessary. If and when the need for the land banked spaces arises, compelling construction should be administratively easy to enforce.

Section 5. The Code of the Village of Chester, Chapter 98 Zoning, ARTICLE V, Section 98-23.1. Senior citizen housing special use permit, subsection G shall be amended to read as follows:

- G. Site regulations.
 - (1) Parking and circulation.

The Planning Board recommends the following changes:

- (a) Parking spaces shall be provided at the ratio of ~~4.75~~ 1.5 spaces per efficiency and one bedroom senior units and 2 spaces per two bedroom senior

units and 0.75 spaces per unit for guest parking and staff. A 0.25 space reduction shall be granted for affordable units. The Fractional spaces will be rounded to the next highest number. Parking spaces will be conveniently located, evenly distributed, arranged, striped and identified by signage.

(b) Parking for guest parking and staff may be clustered.

(c) The Planning Board may require additional parking for accessory recreational amenities which may require employees. These spaces may be located in off-site parking lots within ~~500~~ 300 feet of senior housing as long as signage, sidewalks and crosswalks are provided and access and maintenance agreements are in place which are acceptable to the Village attorney.

(d) There will be a maximum of two motor vehicles per unit and each motor vehicle will be registered with the superintendent. No commercial vehicles will be permitted. Entrances and exits for ingress, egress, and interior circulation will be of a width and location suitable for the site and senior housing.

The Planning Board suggests that present code requirements for parking be maintained. Any difficulties that may arise in a particular project may be addressed with land-banking or an application for an area variance. Unless a project is located within walking distance of village services, it can be assumed each resident will have a vehicle. It can also be expected that residents, although seniors, will continue to commute to work and/or drive for other reasons. Although subparagraph (d) limits the number of vehicles per unit, the revisions, as suggested in the draft, do not provide sufficient parking, when guests, aids, employees, etc. are taken into account. The Planning Board also believes that a distance of 500 feet as provided in Subsection (c) is too long for a senior citizen complex.

(2) Outdoor recreation. Usable outdoor recreation space will be provided in a type and quantity as required by the Planning Board. Such space shall consist of both active and passive recreation amenities such as game areas, outdoor pool, patio areas, shaded sitting areas, walking or jogging trails.

(3) Sidewalks. Each project will provide suitable sidewalks, which may include hand rails when appropriate. In developments where units are not held in Fee Simple ownership, a Homeowners Association or rental management agency shall be responsible for clearing and maintaining sidewalks.

(4) Landscaping. Each project will provide suitable landscaping.

The Planning Board recommends the following changes:

(5) Building size and location. No building will have more than 24 dwelling units except for projects ~~intended as rentals~~ having 60 or more units, the maximum units per building may be ~~40~~ 33. The maximum length of any building shall be ~~225~~ 175 feet (see note below). To reduce scale and incorporate variation, buildings over 100 feet in length shall incorporate appropriate jogs ~~and offsets~~ on the façade to mitigate expansive planes. The side of a principal building, if opposite the side of another principal building, shall be separated therefrom by a distance of not less than 1 1/2 times the height of the opposite bounding wall. If the rear of any principal building shall face the front of another principal building, it shall be distant therefrom not less than

twice the height of the opposite bounding walls. Each principal building will be not less than 25 feet from any parking area or curb to provide for sidewalks, landscaping or both. Individual buildings may be linked by one story enclosed structure(s) containing amenities or providing weather protected walkways for convenience and accessibility.

The Planning Board recommends that the language regarding "intended as rentals" be deleted because the Zoning Law and site plans are not concerned with the form of ownership of the parcels; an "expressed intent to rent" may be changed and is not binding on the developer.

Since the Village's desire for senior housing is to accommodate its own residents who will generally be moving from single family homes, the Planning Board questions the desirability in the Village for such large structure, longer than generally any others in the Village. There is a strong possibility that such a structure will be constructed in an area which is viewable from Route 17M or Route 17, and the Village Board should consider whether such a long building should be part of that important view scape.

Section 6. The Village of Chester Code, Chapter 98, Zoning, Attachment 1:3 shall be amended in its entirety as shown in Addendum A to this Local Law.

Planning Board comments on Proposed ADDENDUM A, Schedule of District Regulations, RM District:

1. The horizontal organizational line to partition RS, etc., Principal Permitted Uses and all the related values have been eliminated. The Planning Board does not recommend this change, it seems apparent there has been a mistaken omission. All the values for the RS District should be restored.
2. In 2.b, the language that allows Townhouses to be on individual lots is eliminated. This should be explained.
3. In Column 6, Front Yard Dimensions, the proposed reference, "See 98-18. G" may need revisiting.
4. In Column 7, Building Height, Feet, a change from 35 feet to 38 feet is proposed. The Planning Board does not recommend this change. The 35' height limitation is the standard for all Residential and the two Business districts in the Village. Individual applicants can apply for variances on such matters.

The Planning Board discussed these comments at their regular meeting on August 26, 2014, and a motion for a resolution was made and seconded to authorize the Chairman and the Board's Attorney to prepare the final comments and direct the delivery of this document to the Village Clerk for distribution to the Village Board. All four (4) Planning Board members were present and the vote was unanimous.

Dated: September 2, 2014

Respectfully submitted:

Richard Ramsdell, Chairman
Village of Chester Planning Board